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IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	CR-S-04-0069 MCE
	)	
Plaintiff,	)	FINAL ORDER OF FORFEITURE
	)	
v.	)	
	)	
JEFFREY WELLS,	)	
LARRY J. WELLS, and	)	
HENRY M. KAISER,	)	
	)	
Defendants.	)	

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The Court makes the following FINDINGS:

1. On May 26, 2004, this Court entered a Preliminary Order of Forfeiture, ordering the forfeiture of the following property:

- a. 50% of the net proceeds from the sale of the real property located at 148 Bonita Avenue, Piedmont, California, APN: 050-4532-029. Said proceeds shall become a sub res in lieu of the real property.

The Court adjudged that based on the plea agreement of defendant Henry M. Kaiser that the above-described property was subject to forfeiture pursuant to the provisions of 18 U.S.C. § 982(b)(1), incorporating 21 U.S.C. § 853(p).

2. Pursuant to the April 22, 2004 Stipulation and Order

1 Regarding Henry M. Kaiser Deposit of Asset With Registry of the  
2 Court, the United States deposited a Placer Title Company check  
3 in the amount of \$361,585.23 with the Clerk of the Court on or  
4 about June 24, 2004, which represents 50% of the net proceeds  
5 from the sale of the above-referenced real property.

6 3. Pursuant to the Order Regarding Asset Deposited With  
7 Registry of the Court filed January 12, 2007, the approximately  
8 \$361,585.23 was turned over to the U.S. Marshals Service pending  
9 further order of the Court.

10 4. On February 12, 2007, this Court entered a Preliminary  
11 Order of Forfeiture ordering the forfeiture of the following  
12 property:

13 a. All funds frozen in Luxembourg in or  
14 about August 2005 pursuant to a Mutual Legal  
15 Assistance Treaty Request sent on or about  
16 May 10, 2004<sup>1</sup>,

17 b. Real property located at 2905 Bird Rock  
18 Road, Pebble Beach, California, APN: 007-661-  
19 004, recorded owners Larry J. Wells and  
20 Dianna L. Wells<sup>2</sup>, and

21 c. Approximately \$57,544.12 in U.S.  
22 Currency, plus any accrued interest on that  
23 amount in lieu of real property located at  
24 906 Vine Avenue, Roseville, California, APN:  
25 014-321-007, and substituted as the res  
26 herein.

27 The Court adjudged that based on the stipulation and application  
28 for preliminary order of forfeiture and the plea agreements of

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25 <sup>1</sup> By separate application, the United States shall seek a  
26 final order of forfeiture as to this asset.

27 <sup>2</sup> A Stipulation for Final Order of Forfeiture and Order  
28 Thereon regarding this real property was filed on October 22,  
2007.

1 defendants Larry J. Wells and Jeffrey Wells the above-described  
2 property was subject to forfeiture pursuant to the provisions of  
3 18 U.S.C. § 982(a)(1) and/or 18 U.S.C. § 982(b)(1) incorporating  
4 21 U.S.C. § 853(p).

5 5. The Preliminary Order of Forfeiture also included a  
6 money judgment in the amount of \$1,838,885 against Larry J. Wells  
7 and Jeffrey Wells. To the extent that the United States realizes  
8 any sums from the forfeiture of assets specified in this action,  
9 the sum of the \$1,838,885 money judgment shall be reduced  
10 accordingly. Larry J. Wells and Jeffrey Wells are jointly and  
11 severally liable on the money judgment.

12 6. On June 8, 15 and 22, 2004, the United States published  
13 notice of the Court's Preliminary Order of Forfeiture as to Henry  
14 M. Kaiser in The Daily Recorder (Sacramento County), a newspaper  
15 of general circulation located in the county in which the subject  
16 property listed in paragraph 1.a was seized and the district in  
17 which this action was filed.

18 7. On February 23, March 2, and 9, 2007, the United States  
19 published notice of the Court's Preliminary Order of Forfeiture  
20 as to Larry J. Wells and Jeffrey Wells in The Daily Recorder  
21 (Sacramento County) and the Monterey Herald (Monterey County),  
22 newspapers of general circulation located in the county in which  
23 the subject properties in paragraph 4.a-c were seized, the  
24 district in which this action was filed, or in the county in  
25 which the above-described properties are located.

26 8. The United States and petitioners Dianna Wells and  
27 Washington Mutual Bank entered into a Stipulation for Final Order  
28 of Forfeiture and Order Thereon regarding the real property

1 located at 2905 Bird Rock Road, Pebble Beach, California, APN:  
2 007-661-004. That Final Order of Forfeiture was filed on October  
3 22, 2007, and is unaffected by this Final Order of Forfeiture.

4 9. No other third party has filed a claim to any of the  
5 subject properties, and the time for any person or entity to file  
6 a claim has expired.

7 Accordingly, it is hereby ORDERED, ADJUDGED and DECREED as  
8 follows:

9 1. A Final Order of Forfeiture is hereby entered forfeiting  
10 to the United States of America all right, title, and interest in  
11 the following properties pursuant to 18 U.S.C. § 982(a)(1), 18  
12 U.S.C. § 982(b)(1) incorporating 21 U.S.C. § 853(p), and/or Fed.  
13 R. Crim. P. 32.2(b)(1), to be disposed of according to law,  
14 including all right, title, and interest of defendants Henry M.  
15 Kaiser, Larry J. Wells and Jeffrey Wells:

16 a. Approximately \$361,585.23 in U.S. Currency, plus  
17 any accrued interest on that amount in lieu of  
18 real property located at 148 Bonita Avenue,  
Piedmont, California, APN: 050-4532-029, and  
substituted as the res herein;

19 b. Approximately \$57,544.12 in U.S. Currency,  
20 plus any accrued interest on that amount in  
21 lieu of real property located at 906 Vine  
Avenue, Roseville, California, APN: 014-321-  
007, and substituted as the res herein;

22 c. A \$1,838,885 personal money judgment against  
23 Larry J. Wells; and

24 d. A \$1,838,885 personal money judgment against  
Jeffrey Wells.

25 2. All right, title, and interest in the above-described  
26 properties shall vest solely in the United States America.

27 3. To the extent that the United States realizes any sums  
28 from the forfeiture of assets specified in this action, the sum

1 of the \$1,838,885 money judgment shall be reduced accordingly.  
2 Larry J. Wells and Jeffrey Wells are jointly and severally liable  
3 on the above-listed money judgment.

4 4. The United States Marshals Service shall maintain  
5 custody of and control over the subject properties until they are  
6 disposed of according to law.

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8 Dated: November 27, 2007

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11 MORRISON C. ENGLAND, JR.  
12 UNITED STATES DISTRICT JUDGE  
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